

**MINUTES OF PUBLIC HEARINGS and REGULAR MEETING**

**June 14, 2016**

**MONTGOMERY CITY COUNCIL**

**CALL TO ORDER**

Mayor Kirk Jones declared a quorum was present and called the meeting to order at 6:00 p.m.

Present:                    Kirk Jones                    Mayor  
                                  Jon Bickford                City Council Position #1  
                                  John Champagne, Jr.      City Council Position #2  
                                  Rebecca Huss              City Council Position #4  
                                  Dave McCorquodale      City Council position #5

Absent:                    T. J. Wilkerson            City Council Position #3

Also present:            Jack Yates                    City Administrator  
                                  Larry Foerster              City Attorney

**INVOCATION**

John Champagne, Jr. gave the invocation.

**PLEDGE OF ALLEGIANCE TO FLAGS**

**PUBLIC HEARINGS:**

**PUBLIC HEARING:**

1. Received final report by the Planning and Zoning commission prior to Public Hearing – No action – report was received.

Convene into Public Hearing. TIME: 6:01 p.m.

Public hearing regarding a request for a special use permit to allow a radio station tower to be located on a 0.0574 acre tract of land situated in the John Corner survey, abstract number eight, Montgomery County, Texas, and being out of they called 108.89 acre tract (Tract One) conveyed to LaFevre Development Inc. (Property is immediately east of Rampy Lake in west of Lone Star Parkway)

COMMENTS:

Mr. Phillip LaFevre was present and said that he was a the owner of the property where the tower was to be placed and he said that he told Verizon that he was willing to offer his land if it was all right with the city. Following the Planning and Zoning decision Mr. LaFevre said that he was withdrawing his approval of his land as a location for the tower.

The City Attorney said that the issue was moot, following Mr. LeFevre's announcement and that there is no need for the completion of the Public Hearing.

Adjourn public hearing: TIME: 6:12 p.m.

PUBLIC HEARING:

Convene into Public Hearing: TIME: 6:14 p.m.

2. Public hearing regarding an application for Beer, Wine and Mixed Beverage – Alcohol Beverage Permit for 20821 Eva Street, Montgomery, Texas for El Bosque Mexican Grill #4, by Owners Juan and Jaime Rodriguez.

COMMENTS: No one present

Adjourn public hearing. TIME: 6:15 p.m.

VISITOR/CITIZENS FORUM: No one present to speak.

CONSENT AGENDA:

3. Consideration and it determined appropriate, take action regarding approval of minutes for the Public Hearings and Regular Meeting held on May 10 2016.
4. Consideration and the and if deemed appropriate, ratified the reappointment of the municipal judge, Robert Rosenquist, is for Court Administrator, Rebecca Lehn, and

Deputy Court Clerks, Kimberly Duckett and Krystal Gonzalez, whose terms run concurrent with the Mayor's term of office.

5. Consideration and if deemed appropriate, ratify adoption of a Proclamation declaring May 2016 as Motorcycle Awareness Month.
6. Consideration and if deemed appropriate, ratify acceptance of the departmental reports for April 2016 as follows:
  - A. Administrators Report
  - B. Public Works Report
  - C. Police Department Report
  - D. Court Department Report
  - E. Utility/Development Report
  - F. Water Report
  - G. Engineers Report
  - H. Financial Report
7. Consideration and if deemed appropriate, take action regarding approval of street closures for the Third Annual Freedom Fest will to include the following streets: College, McCown, and one lane of State Highway 105, during the parade.

MOTION: To approve the consent agenda.

1<sup>st</sup> Mr. Bickford 2<sup>nd</sup> Ms. Huss.

VOTE: 4-AYES 0-NAYS

CONSIDERATION AND POSSIBLE ACTION:

8. Consideration and possible action regarding election of the Mayor Pro Tem for the term of one year as provided by the Texas local Government Code Sec. 22.037 (b)

MOTION: That Mrs. Huss be reappointed as the Mayor Pro Tem.

1<sup>st</sup> Mr. Bickford 2<sup>nd</sup> Mr. McCorquodale

VOTE: 4-AYES: 0-NAYS

9. Consideration and possible action regarding approval of an application for alcoholic beverage permit for 304 Caroline St., Montgomery, TX for a Fine Whiskey and Cigar Bar adjoining the Cozy Supper Club, by owner Thomas Cronin dba Cronin Group LLC (Public Hearing held on May 31, 2016)

MOTION: To approve, pending validation of 1,000 feet from school issue.

1<sup>st</sup> Mr. Bickford 2<sup>nd</sup> Mr. Champagne

VOTE: 4-AYES 0-NAYS

10. Consideration and possible action regarding adoption of the following Ordinance:  
AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS, GRANTING A SPECIAL USE PERMIT FOR PLACEMENT OF A MONOPOLE CELL TOWER BY VERIZON WIRELESS A 0.5474 ACRE TRACT OF PROPERTY LOCATED ON LAND SITUATED IN THE JOHN CORNER SURVEY, ABSTRACT NUMBER EIGHT, MONTGOMERY COUNTY, TEXAS; ESTABLISHING CERTAIN TERMS, CONDITIONS AND LIMITATIONS; PROVIDING FOR PENALTY AND RIGHT TO SEEK INJUNCTIVE RELIEF BY THE CITY; AND PROVIDING SEVERABILITY AND AN IMMEDIATE EFFECTIVE DATE.

Discussion – The City Attorney recommended that the City Council take no action based upon the statements by Mr. LaFevre earlier in the meeting.

MOTION: To take no action on the matter.

1<sup>st</sup> Mr. Champagne 2<sup>nd</sup> by Mrs. Huss

VOTE: 4-AYES 0-NAYS

11. Consideration and possible action regarding approval of an application for Beer, Wine and Mixed Beverage – Alcoholic Beverage Permit for 20821 Eva Street, Montgomery, TX for El Bosque Mexican Grill #4, by Owners Juan in Jaime Rodriguez.

MOTION: To approve the application as presented.

1<sup>st</sup> Mr. McCorquodale 2<sup>nd</sup> Mr. Champagne

VOTE: 4-AYES 0-NAYS

At this time the Council desired to return to item 9 on the agenda:

MOTION: To approve the application as submitted.

1<sup>st</sup> Mr. Bickford 2<sup>nd</sup> Mr. Champagne

VOTE: 4-AYES 0-NAYS

12. Consideration and possible action regarding adoption of the following Ordinance:

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS AMENDING THE CITY CODE OF ORDINANCES AMENDING CHAPTER 98, "ZONING," BY RECLASSIFYING THE MCCOY BUILDING SUPPLY PROPERTY ON STATE HIGHWAY 105 FROM "COMMERCIAL, MULTI—FAMILY AND RESIDENTIAL" ZONING CLASSIFICATION AS FOUND ON THE CITY'S OFFICIAL ZONING MAP TO STRICTLY "COMMERCIAL," PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE UPON PUBLICATION.

MOTION: To approve the Ordinance as submitted.

1<sup>st</sup> Mr. McCorquodale 2<sup>nd</sup> Mr. Champagne

VOTE: AYES: Four NAYS: Zero

13. Consideration and possible action regarding adoption of an agreement by and between the city of Montgomery and Kroger regarding public improvements to their business location.

Discussion- the City Attorney said that Kroger had not presented an agreement so he suggested to table item 13.

MOTION: To table item 13.

1<sup>st</sup> Mr. McCorquodale 2<sup>nd</sup> Mrs. Huss

VOTE: 4-AYES 0-NAYS

14. Consideration and possible action regarding adoption of an Interlocal Agreement between the city of Montgomery, Texas and Montgomery County, Texas for preparation of Mobility Plan

Discussion --Ms. Huss asked about the term “coordinate” in the agreement. Mr. Shackelford said that Jones and Carter will do the primary study and will coordinate with County engineers and city staff people as well.

MOTION: To approve the Intergovernmental Agreement as presented.

VOTE: 3-AYES 0-NAYS Mr. McCorquodale was absent.

15. Consideration and possible action to authorize Jones and Carter to prepare Mobility Plan.

MOTION: To approve Jones and Carter agreement to perform the study.

1<sup>st</sup> Mr. Champagne 2<sup>nd</sup> Mr. Bickford

VOTE: 4-AYES 0-NAYS

16. Consideration and possible action to adopt the following Resolution:

A RESOLUTION OF THE CITY OF MONTGOMERY, TEXAS, CREATING THE CAPITAL IMPROVEMENT ADVISORY COMMITTEE AND APPOINTING ITS MEMBERS, ESTABLISHING AND ADOPTING THE PROCEDURAL RULES FOR AND DUTIES ASSOCIATED THEREWITH IN ACCORDANCE WITH CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE REGARDING IMPACT FEES; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT OF IMPACT FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Discussion: The Council discussed briefly the makeup of the Committee and who might serve on the Committee. Mr. Champagne nominated Nelson Cox and Jeffrey Waddell; Mr. McCorquodale nominated Randy Burleigh; Mrs. Huss nominated Jennifer Brown and Mr. Bickford nominated Chris Cheatham.

MOTION: To approve the nominations as being the Committee.

1<sup>st</sup> Mrs. Huss    2<sup>nd</sup> Mr. McCorquodale

VOTE: 4-AYES    0-NAYS

MOTION: To approve the Resolution as presented.

1<sup>st</sup> Mr. Bickford    2<sup>nd</sup> Mr. McCorquodale

VOTE: 4-AYES    0-NAYS

17. Consideration and possible action regarding a Final Plat and construction for Heritage Place Medical Center.

Discussion: Glynn Fleming presented the Final Plat saying that the Planning and Zoning Commission had provisionally approved the Final Plat based on the Houston Street widening situation being addressed.

MOTION: To approve the construction drawings and final plat provisionally based upon the solution to the Houston Street issue

1<sup>st</sup> Mr. Champagne    2<sup>nd</sup> Mr. Bickford

In discussion of the motion, Mr. McCorquodale said he was concerned that the landscape plan, 25-foot setback and a buffer separation and the lighting between the residential area and the commercial area as presented was inadequate. Mr. Levi Love, representing the developer Mr. Cheatham, said that Mr. Cheatham had always been a person who provided more than adequate vegetation and landscaping on his developments and would at this location also. There followed discussion about the ability of the City to require landscaping plans for this or any project without an existing landscaping ordinance.

VOTE: 2-AYES: Mr. Champagne and Mr. Bickford

2-NAYES: Mrs. Huss and Mr. McCorquodale

Mayor Jones voted in the case of the tie and voted AYE. The Motion passed.

Following the vote, Mayor Jones asked if Mr. Cheatham would submit a more detailed landscape and buffer separation plan for the property and an assurance that the lighting will not be shining on the adjacent residential property. Mr. Champagne said that the Council had the City Engineer's recommendation and should follow that recommendation.

18. Consideration and possible action regarding review and approval of City Certificate of acceptance and release of retainage to Lake Creek Village off-site sanitary extension.

Discussion -Glynn Fleming said the construction was complete, inspections have occurred, and as-built construction plans provided and he recommended the City Certificate and release of the retainage in the development account.

MOTION: To approve the City Certificate of Acceptance and release of retainage to Lake Creek Village for their off-site sanitary sewer extension.

1<sup>st</sup> Mrs. Huss    2<sup>nd</sup> Mr. Champagne

VOTE: 4-AYES    0-NAYS

19. Consideration and possible action regarding required residential garbage collection and billing.

Discussion – Mr. Yates reported that there were approximately 26 residential customers who mistakenly were not required to get onto the trash service when they first connected to the City's water. He said that the ordinance requires residential garbage pickup for health and sanitation reasons. City Council directed Mr. Yates to follow the ordinance and require the garbage pickup for all residents. Since this was a direction to follow an existing ordinance, City Council felt there was no action to be taken other than the direction.

20. Consideration and possible action regarding damage repair/assessment from May 26, 2016 flooding period.

MOTION: To appoint Jack Yates to act as the Agent to apply for FEMA funds involving the April and the May 2016 floods.

1<sup>st</sup> Mrs. Huss    2<sup>nd</sup> Mr. McCorquodale

VOTE:    4-AYES    0-NAYS

21. Consideration and possible action regarding Interlocal Agreement with Montgomery County Hospital District for provision of AED defibrillators for public health.

Discussion--The Council asked several questions regarding the life of the batteries for the AEDs.

MOTION: To approve the intergovernmental Agreement as presented.

1<sup>st</sup> Mr. Champagne    2<sup>nd</sup> Mr. Bickford

VOTE:    4-AYES    0-NAYS

22. Consideration and possible action regarding naming the City Administrator as the Deputy City Secretary.

MOTION: To appoint Jack Yates as the Deputy City Secretary

1<sup>st</sup> Mr. Bickford    2<sup>nd</sup> Mr. Champagne

VOTE:    4-AYES    0-NAYS

EXECUTIVE SESSION: THERE WAS NO EXECUTIVE SESSION

COUNCIL INQUIRY:

Mr. McCorquodale said he is concerned about the quality of life in the City to not only enforce the ordinances of the City, he said it is his feeling that improving landscaping buffer and lighting is a duty and an opportunity to the City's development. The Council briefly

discussed its agreement with Mr. McCorquodale's statement. Mr. Yates said that the lighting ordinance would be on the next agenda for the Council's consideration and that he would work with diligence toward providing a tree ordinance and a landscape ordinance to the Planning and Zoning Commission.

ADJOURNMENT TIME: 7:52 p.m.

1<sup>st</sup> Mr. Bickford      2<sup>nd</sup> Mr. Champagne

VOTE: 4-AYES      0-NAYS

Submitted by: Jack Yates Date Approved: 06/28/16  
Jack Yates, Deputy City Secretary

Kirk Jones  
Mayor Kirk Jones

